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**UNITED STATES DISTRICT COURT****EASTERN DISTRICT OF TEXAS**

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NICKOLAS WOLFFORD,

Plaintiff,

*versus*POLUNSKY UNIT, *et al.*,

Defendants.

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CIVIL ACTION NO. 9:23-CV-48

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND  
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Nickolas Wolfford, a prisoner previously confined at the Polunsky Unit of the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against the Polunsky Unit, Melisa Elliott, Paul Reilley, Julie Smitherman, Kenzie Watkins, Nita Neyland, and Falicia R. Burks.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the claims against the Polunsky Unit and Falicia R. Burks pursuant to 28 U.S.C. § 1915(e) as frivolous and for failure to state a claim.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

Plaintiff states that he does not object to the dismissal of Defendant Burks, and his objections do not address the recommendation to dismiss the Polunsky Unit. The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit.

**ORDER**

Accordingly, Plaintiff's objections (#46) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#37) is **ADOPTED**. The Polunsky Unit and Falcia R. Burks are **DISMISSED** from this action.

SIGNED at Beaumont, Texas, this 1st day of December, 2023.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE